# USAWC STRATEGY RESEARCH PROJECT

# TRANSFORMING ARMED FORCES TO NATIONAL GUARD UNITS IN LATIN AMERICA

by

Lieutenant Colonel Braulio J. De la Rosa Dominican Republic Army

> Colonel Terry DeRouchey Project Adviser

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College CARLISLE BARRACKS, PENNSYLVANIA 17013

maintaining the data needed, and c including suggestions for reducing	lection of information is estimated to ompleting and reviewing the collect this burden, to Washington Headqu uld be aware that notwithstanding and DMB control number.	tion of information. Send comment larters Services, Directorate for Inf	s regarding this burden estimate ormation Operations and Reports	or any other aspect of the s, 1215 Jefferson Davis	nis collection of information, Highway, Suite 1204, Arlington		
1. REPORT DATE 30 MAR 2007		2. REPORT TYPE Strategy Research	n Project	3. DATES COVERED <b>00-00-2006 to 00-00-2007</b>			
4. TITLE AND SUBTITLE			5a. CONTRACT NUMBER				
<b>Transforming Armed Forces to National Guard Units in Latin Americ</b>				5b. GRANT NUMBER			
				5c. PROGRAM E	ELEMENT NUMBER		
6. AUTHOR(S)				5d. PROJECT NUMBER			
Braulio De La Rosa					5e. TASK NUMBER		
				5f. WORK UNIT	NUMBER		
	ZATION NAME(S) AND AI bllege,Carlisle Barra	8. PERFORMING ORGANIZATION REPORT NUMBER					
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)			
				11. SPONSOR/M NUMBER(S)	ONITOR'S REPORT		
12. DISTRIBUTION/AVAIL Approved for publ	LABILITY STATEMENT ic release; distribut	ion unlimited					
13. SUPPLEMENTARY NO	TES						
14. ABSTRACT See attached.							
15. SUBJECT TERMS							
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON		
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE unclassified	Same as Report (SAR)	22			

**Report Documentation Page** 

Form Approved OMB No. 0704-0188

#### **ABSTRACT**

AUTHOR: Lieutenant Colonel Braulio J. De la Rosa

TITLE: Transforming Armed Forces to National Guard Units in Latin America

FORMAT: Strategy Research Project

DATE: 30 March 2007 WORD COUNT: 5,679 PAGES: 22

KEY TERMS: Transnational Challenges, Organization, Security Reform, National

Development

CLASSIFICATION: Unclassified

Today's complex world includes new challenges for our armed forces. Transnational threats require that Latin American security forces transform in order to meet these challenges. They must be capable of managing internal security challenges and national defense threats such as terrorism, organized crime, narcotrafficking, illegal migration, and natural disasters. Our political leaders must recognize that the Armed Forces need to transform to address these complex challenges and provide the resources required for such a transformation. Civil authority leadership and civil-military integration and cooperation are paramount.

Latin American countries cannot support military forces poised for conventional warfare in the Western Hemisphere. This paper will examine factors concerning the current threats in Latin America and the organizational reformation that needs to occur to address these security challenges. These factors affect the antiquated armed forces organizations still used in Latin America which result in insufficient budgets, low incentives for military service, sub-standard equipment and low maintenance capabilities. Lastly, this paper will offer recommendations which may lead to changes in cultural behavior and organizational reform. The goal of these recommendations is to transform Latin American security forces into National Guard-type units, with a focus on internal security and humanitarian assistance.

# TRANSFORMING ARMED FORCES TO NATIONAL GUARD UNITS IN LATIN AMERICA

The Armed Forces in Latin America today are facing new, transnational challenges. Latin America is not immune to the threats of international terrorism that are affecting the more developed countries. The region is also challenged by illicit trafficking of drugs, weapons, human organs and people smuggling; pandemics, degradation of the environment, illegal migration, citizen insecurity, and organized crime; lack of employment opportunities, and substandard education and health.

The contemporary operational environment has forced some changes in the structure of some military forces in Latin America, but these changes have not been sufficient to confront the vast array of problems affecting the poorer countries in Latin America. A complete transformation is necessary if the Armed Forces are to meet these challenges.

# Public Security

"Latin American crime wave hits foreign investment. Unless Latin America and the Caribbean turn the tide on the violence and corruption that plague their societies, they will continue to underperform economically."

Criminality in Latin America has skyrocketed in the last two decades. According to an article in *The Economist,* all the cities in the region are today more insecure than they were ten years ago. The general public has a feeling of insecurity in the vast majority of urban centers. Even cities traditionally considered to have safe environments have experienced a sudden deterioration in their security situation. Public opinion surveys indicate that lack of security is one of their highest concerns. There are cities where a high percentage of the population has experienced an assault, a theft in a taxi, and other forms of criminal activity.<sup>2</sup>

Public faith in democracy itself is under threat as governments are perceived as unable to deliver basic services such as public security. A United Nations report last year revealed that only 43 percent of Latin Americans are fully supportive of democracy. Crime has rapidly risen to the top of the list of citizen concerns in Latin America. As the Economist magazine described it, "in several Latin American countries, 2004 will be remembered as the year in which the people rose up in revolt against crime." Massive street marches such as those that took place in Argentina, Mexico, and Brazil, and other expressions of protest against violence, have made it increasingly difficult for politicians to avoid dealing with the issue and, in many countries, have made tackling crime a central theme in political party platforms across the region. Several leaders in the region, including El Salvador's Tony Saca, Ricardo Maduro in Honduras, Guatemala's Oscar Berger, and Alvaro Uribe in Colombia, have all campaigned on a strong anti-crime message. The Presidents of Honduras and El Salvador have called

gangs as big a threat to national security in their countries as terrorism is to the United States.<sup>3</sup>

The public anxiously asks, how can the problem of criminality be confronted? What is the outlook? Available data casts no doubt in regard to the gravity of the matter. It is estimated that in Latin America the population suffers thirty (30) homicides per year for every 100,000 people. This is a rate six times higher than in countries with moderate crime, as in the case in the majority of Eastern European countries.<sup>4</sup>

The magnitude of criminality in the region is such that it has been labeled an epidemic. It is the start as a structural problem that has begun to spread. Recent trends add to the concern. Studies by the Interamerican Development Bank (IDB) and other organizations indicate that Latin America has the second highest crime rate in the world, after the African Sahara.<sup>5</sup>

Regional responses favor a law enforcement approach. Most regional responses have focused on strengthening law enforcement and toughened anti-gang laws, such as the Mano Dura, or "Firm Hand," policies adopted by El Salvador and Honduras. These laws have resulted in a significant increase in the number of arrests as well as an increase in the grounds for arrest. In these two countries, merely having a tattoo is an arrestable offense. In the Dominican Republic, President Leonel Fernandez introduced a number of reforms to reduce crime. The program has resulted in a reduction of crime and increased feelings of security by its citizens. The programs have been conducted with Armed Forces support, which in turn has led to consistently high approval ratings.

Citizens are entitled to feel secure and protected in their daily lives. The last decade has seen a growing awareness of the marked impact that crime, conflict and violence have on democracy and development throughout the Hemisphere. Many countries in the Americas are confronted with severe security challenges like organized crime, such as narcotrafficking, kidnapping, corruption, juvenile crime, and youth gangs. Crime, violence and conflict sow fear and anxiety about personal security, and hinder economic development by making areas unattractive for investment. They also reduce profitability due to the need for private security services to protect employees and the transportation of goods.

"Public outrage over the lack of government commitment to promote citizen security, reduce crime and violence, and contain conflict, may result in a lack of credibility of public institutions, such as the judiciary and police, and diminishes trust in democratic governance. Thus, lack of security may affect different sectors of the population and generate both direct and indirect social, economic and political costs."

# Armed Forces: Yesterday and Today

In the recent past, Latin American countries saw themselves involved in low-intensity conflict as a product of the influence of communism promoted by the former Soviet Union which expanded its ideology to the Western Hemisphere by financing and training anti-government guerilla forces. The movement fueled civil wars and changes in the political and democratic landscape of the American continent, principally in poor countries with a weak political base. Regional governments provided little stability to the population, and politicians were immersed in the corruption of state resources. These were some of several factors which contributed to the population giving some level of support to communist beliefs. These internal conflicts contributed to the government's justification for an increase in arms spending and in the size of their military forces. The conflicts were considered threats to national security.

The period of the Cold War, characterized by the rivalry of the superpowers, the United States and the Soviet Union, had a virtue – it generated certainty in the international system. All events occurring in one of its respective spheres of influence found its explanatory logic in the strategic interests and geopolitical objectives of the superpowers in struggle. The United States military occupation in 1965 of the Dominican Republic was reportedly done for the purpose of avoiding a second "Cuba." The Soviet intervention in Czechoslovakia in 1968 was reportedly done in order to censure "capitalist deviations," are examples of geopolitics in the international system during the Cold War.<sup>9</sup>

Also occurring in Latin America's recent history were territorial disputes, which in some cases are still present today, but are disputed diplomatically through international forums. One example is El Salvador and Honduras territorial disputes. While the two nations continue to disagree over the status of their maritime borders in the Gulf of Fonseca, they have agreed to settle their land-border disputes with the International Court of Justice (ICJ). The final border demarcation was handed down by the World Court in 1992, with implementation of the new border required and completed by 1993.<sup>10</sup>

These phenomenons were the genesis of the military structure which developed in the region over time. Some organizations were inspired by military dictatorships, which created them for their protection and as a means to solidify power. Some changes were brought about with United States support. United States political-military policies for Latin America subsequently changed and focused on strengthening democracy and promoting respect for human rights.

Towards the end of the seventies and the beginning of the eighties, a quest for the transition to democracy took place in Latin America and ended the acceptance of military

dictatorships that since the sixties had permeated the region. The dictatorships flourished under the guise of "national security dictatorships or bureaucratic-authoritarian states," so titled by the Argentine social-scientist Guillermo O'Donnell. In the fight against those dictatorships and in favor of the human rights and the democracy, Latin American Populists Parties received the support of the European social democracy, through the International Socialist.<sup>11</sup>

Today, it is no less a fact that military organizations are indispensable for the sustainability of democracy, economic development, internal security and the dissuasion of external or transnational threats. However, Latin America, as part of the American continent and under the umbrella of the world's foremost military power, enjoys a lower probability of regional military conflict. Membership in the Organization of American States and the United Nations also enhances the possibility of resolving territorial conflicts diplomatically.

But it is also true that the people of poor Latin American countries today expect that their Armed Forces participate actively in the fight against emerging transnational threats that affect the development of these nations, and are a product of globalization, new communication technologies, and the opening of borders.

The security we expect today is focused on the protection of individuals, local communities, and political institutions which face both internal (corruption) and external (transnational) threats. To this end, security requires the participation of local and national security forces, vision and leadership in order to address the underlying causes of violence and the emerging threats. In order to meet these challenges, the military institutions need to transform as they have in other countries. Governments have to review their current challenges, design new organizations, and provide guidance which will result in a security force with the capacity, preparedness, and judicial support that will permit them to successfully execute their new missions and functions. However, resources have to be adequate to meet the challenge. Fiscal sacrifices initially will build an effective security force that will not only bring security to its people, but will promote stability and investment in the future.

The organizational structure of the Armed Forces, created to function within a joint operational defense plan, fails to achieve the unity of effort required to face today's challenges. Only a professional organization with clear roles and missions and governmental support can meet the internal challenges and transnational threats of the 21<sup>st</sup> Century.

## Transformation

The focus of this transformation recommendation is the necessity for the Armed Forces to organize to fill a dual role. The first role is contained in the Constitution and laws of each

country, and is that of protecting the homeland from external threats. The second role is to combat the new internal and transnational threats facing the region today (terrorism, drug trafficking, organized crime, illegal migration, human trafficking, environmental degradation, illicit trafficking of arms, etc.). Both roles, but in particular the second role, is to be undertaken with the utmost respect for human rights and subordinate to democratically elected civilian authorities.

The recommended dual role organization, with one mission on national defense and the other on providing internal security would be under one command, command and control, training, doctrine, values, and code of conduct, and would have personnel, logistics and fiscal directorates providing resources for both missions; ultimately an organization that would function in a legitimate and constitutional manner.

In some countries in Latin America, efforts are underway to develop and achieve this capacity. There are, however, some legal questions that have to be addressed before continuing with the transformation. In many situations security missions are performed under a constitutional provision that authorizes the government to use the Armed Forces for missions that the executive power (president) considers necessary, such as the maintenance of public order, emergency situations, public calamity, and in those works and activities of national utility. Many of these activities require a legal framework, as situations that may arise could include the detention of persons, exploitation of resources, the gathering and handling of evidence, and executing legal investigations for which the Armed Forces are not constitutionally authorized.

The recommendation for transformation of the military extends to all the military branches (Army, Air Force, Navy), which would be incorporated into one institution, and using a National Guard organization as the model.

The key could be the creation of a hierarchical organization with authority and responsibility to undertake these diverse missions. The unification would significantly reduce the bureaucracy and substantially promote the efficient use of scarce fiscal and personnel resources. A resource management directorate would provide efficiency and transparency in a resource-constrained environment. In some countries, such an organization is called a Gendarmerie, Carabineers, or Military Police.

Latin American countries with scarce resources cannot fiscally support modern Armed Forces due to the ever rising cost of weapons, munitions, installations, maintenance and training of military personnel. Many Armed Forces function with obsolete equipment and inadequate training, which lowers the morale of the soldier and degrades the essence of his

existence, lending it to corruption and bad administration of those limited resources, and provides a motive for the violation of norms, procedures, and organic law.

Military personnel in many countries in Latin America are trained and indoctrinated to fight and win wars, but they do not have the capacity for these functions, and in some cases are considered an economic burden on the national treasury.

The goal should be to adapt the Latin American Armed Forces to today's reality, as is happening in many nations. Each nation has to make a realistic analysis of the internal and transnational challenges threatening its governance. The world we live in today is not the same as the world we lived in prior to World War II and during the Cold War.

These new threats and risky situations, product of globalization, which besides the implications of socio-economic inequality and political instability produced in the countries that due to lesser conditions cannot adapt to the new economic, productive, market, and internationalization procedures, also suffer the consequences of the actions of illegal organizations and groups which have taken advantage of the dynamic processes of the economy, finance, the greater opening of borders, technology developments, transport, means of communication to which they have easy access with a view of controlling the factors of time, space, and power, in benefit of their illegal economic activities, linked to transnational organized crime.<sup>13</sup>

In this regard, the statement by the Secretary General of the Organization of American States (OAS), José Miguel Insulza, in the VII Conference of Ministers of Defense proposed two very important aspects in order to reform the procedures of the Ministerial meetings. On the one hand he stated with clarity "that the policy of regional defense should be directed toward security" as the starting point for the functioning of this type of security regime and at the same time that this defense policy should be centered on "the risks derived from the increase of criminality in our cities, drug trafficking and organized crime, of the proliferation of gangs, as with other factors such as national disasters." <sup>14</sup>

Recognizing that we share common threats, concerns and other challenges that affect us all, albeit to different degrees of intensity in each country and sub-region of the Americas; Ministers of Defense in their last meeting considered that the concept of security is multidimensional in scope, as set forth in the Declaration on Security in the Americas; they declared their most vigorous condemnation of all forms of terrorism and transnational organized crime, including drug trafficking, corruption, trafficking in persons, money laundering and other crimes, and the need to confront these threats in a cooperative, decisive and comprehensive manner, as provided under each state's respective constitutional order and national legislation and in international instruments, especially the OAS conventions currently in force and applicable to them.<sup>15</sup>

It is clear that the focus should be on internal security, transnational threats and humanitarian assistance, and not on defending the homeland from external attacks by regional armies, as opposed to the United States, which recognizes terrorism, international crime, and weapons of mass destruction as serious threats to national security.<sup>16</sup>

The transformation of the Armed Forces in Latin America does not, under any circumstance, imply that in a period of crisis that they not be prepared and maintain a state of readiness necessary to fulfill its role of defending the nation against its adversaries, as is expressed in the Constitution of each country.

The threats today are of an internal and transnational nature that do not require the use of mass military force, but they do require a capable and professionally trained force with legal authority, structured to ensure compliance with the rule of law, and tailored to provide local and national security, protect strategic installations, state and public property, fight organized crime, illegal immigration, drug trafficking, terrorism, and those non-kinetic missions that protect the environment, flora and fauna, environmental pollution, deforestation, hydrographic basin, mining, and natural resources.

Small, resource-constrained countries like the Dominican Republic, El Salvador, Honduras, Nicaragua, and Guatemala, which do not have the capacity to sustain their Armed Forces, and do not have an external armed force threat, should focus their scant resources and efforts on internal security, transnational threats, humanitarian assistance, and peacekeeping operations. Providing internal security, building infrastructure, establishing a solid rule of law, and preparing for the mitigation of natural disasters should have a higher priority than the continued maintenance of resource-demanding organizations that are searching for a realistic mission.

Historically these institutions have typically seen themselves involved in police and public security missions, and due to these missions required laws that allowed them to act as an internal security force in coordination with the public ministry, If the judicial system and criminal procedural codes can be changed, so too can the Armed Forces be transformed and reorganized into a National Guard-type units.

Transformation would require a structure, organization, and military training which would prepare the National Guard units to execute its primary role, which is to maintain the sovereignty and defense of its territory and secure maritime and airspace boundaries, while at the same time prepare capable and trained units to accomplish missions of public order, citizen security, national resources security, fiscal evasion, protection of strategic installations, border

security, compliance with the rule of law, and transnational challenges that threaten development and peace.

The National Guard unit would be a security force with a limited military capability, but with an essentially internal security and humanitarian assistance focus. The unit would serve as the armed branch of government, but would principally be committed by law to carrying out functions of public order, national infrastructures security, borders and recourses protection. Its role would always be determined by the executive branch and in accordance with the Constitution and laws promulgated by congressional and judicial bodies.

A less costly, streamlined and effective security force would contribute to resolving the problems related to citizen security and the safeguarding of basic services. A smaller, professional unit would be able to offer a more streamlined effort in the achievement of the national, political, and strategic objectives that each country should develop if it aspires to find itself on the road to progress, peace, and security. These goals are essentially interpreted as the protection of its own national interests and the formulation of a vision and the development organizations and missions that would allow each nation to achieve its desired end state.

It is necessary to recognize that the principal objective of non-state actors and emerging transnational threats is to direct its focus on the public, infrastructure, and strategic areas in order to exploit their vulnerabilities. States need geographic, temporal, and environmental areas which favor social and economic development. Thus, security is a condition for development, and encompasses the activities that seek to generate and maintain an environment free of all types of pressure, with respect for human rights and civil liberties, in order to promote the well-being and prosperity of the state.

The international community aspires to achieve collective security, which would help protect regional vulnerabilities, and help confront emerging threats. The Secretary General of the Organization of American States (OAS) promotes a regional defense policy focused on security.<sup>17</sup>

The Armed Forces all over the world have seen themselves with the irreversible obligation of transforming their organizations, and have, or are in the process of, refocusing their missions and training brought on by today's transnational threats. The era of the bipolar confrontation between the two superpowers which disputed power and influence in the world is past. Today, countries by and large believe in the peaceful coexistence of states, and promote an inspiration that while the Armed Forces were created for war, their purpose should be refocused to include their use as a mechanism for international peace. This mechanism is peacekeeping operations

(PKO), and continues to grow in popularity in the region. The National Guard concept proposed should include missions which would include their participation in PKO.

The Contemporary Operating Environment (COE) facing the United States Army is much different today than it was fifteen years ago. The United States no longer faces a superpower rival or even a near peer competitor. Today, we face highly determined foes that recognize our strength and seek to overcome our power through asymmetric means. The U.S. Secretary of Defense and leaders throughout the government recognize that the U.S. must depart from the Cold War way of thinking. It must adapt its institutions, infrastructure, and more importantly, its culture that were shaped under the old system in order to address contemporary challenges.<sup>18</sup>

# Factors Bearing on Cultural Changes

Many factors influence transformation, but culture plays a particularly important role. The process of transformation in the Armed Forces is seen affected by opposition to change within the institutions by their leaders, as well as by subordinates, since forcing change can be tedious. Perhaps worst of all supervisors are those who refuse to adapt to new circumstances and who make demands that are inconsistent with the transformation.<sup>19</sup>

It is very difficult to enact this strategic transformation. Therefore, the vision of change must be well articulated, and the objective of the transformation must be justified to counter new threats and to further legitimize our existence, making change important. Vision plays a key role in producing useful change by helping to direct, align, and inspire actions on the part of large numbers of people. Without an appropriate vision, a transformation effort can easily dissolve into a list of confusing, incompatible, and time-consuming projects that go in the wrong direction or nowhere at all.<sup>20</sup>

We have to employ much time and effort in order to induce a change in attitudes and conduct necessary for a change in culture, as this is not only the most important part of transformation, but the most difficult and challenging of tasks.

The new reality is that Latin American countries face ambiguous threats which defy the traditional forms of confronting security problems. In recognizing this new environment, governments should undertake these transformations as part of their national security.

According to President George W. Bush's national security strategy: "A military structured to deter massive Cold War-era armies must be transformed to focus more on how an adversary might fight rather than where and when a war might occur."<sup>21</sup>

Transformation will be difficult. In his book on transforming organizations. *Leading Change*, John P. Kotter notes that effective change requires, among other things, a sense of urgency, a clear vision and strategy, empowerment, and a managing coalition.<sup>22</sup>

# Recommended Practical and Conceptual Actions

Today's world needs a profound vision and practice of security, which would allow the resolution of the problem of human suffering. This requires critical thinking that would allow the analysis of sustainability, in human and environmental terms, of the dominant strategic action in the scope of the security. In this manner, false issues can be set aside, therefore centering the debate on the real problems that lead to insecurity, which on a global scale, prevent democratic governance that promotes human development.<sup>23</sup>

Taking into account the considerations previously described regarding the new role that Armed Forces should adopt to confront new threats, to promote peace, development, and security in the world, this recommendation should permit the revolution of missions, functions, and responsibilities, as well as the guidelines, ethical values, and codes of conduct that a newly transformed military organization should be able to achieve:

# **Mission**

The missions and exposed responsibilities of the National Guard in this work are taken from other institutions and constitutions of different countries in which this type of organization already exists. <sup>24</sup>

- Will conduct the military operations necessary for defense and the preservation of national sovereignty.
- Will conduct the operations required for the maintenance of internal public order.
- Will conduct the administrative police and penal investigation activities attributed to them by law.
- Will actively participate in the national development of the country.
- Will collaborate with the control of entrance and exit of the national and foreign citizens in the national territory.
- Will help and protect the citizens, defend and preserve the assets that are in dangerous situations.
- Will participate in international peacekeeping operations, primarily those under United Nations mandate.<sup>25</sup>
- Will achieve its mission in accordance with the constitution and laws.

# **Functions**

The functions listed below are inherent in all organizations charged with the mission of providing security and internal order, for which the National Guard would be enabled. The Armed Forces in the poor countries of Latin America have developed some of these missions and have executed some of them. These functions examples are extractions from other institutions: <sup>26</sup>

- National Security.
- Internal Security.
- Prevent fiscal evasion (customs, taxes, etc.)
- Prevent the violation of the economic policies dictated by the Executive power.
- Coastal and territorial waters surveillance.
- Aerial patrol and rescue.
- Protection and development of borders.
- Illegal drug control.
- Arms and Explosives control.
- Protection of the environment.
- Protection of the forests and national resources.
- Ensure compliance with the anti-pollution norms in all establishments and businesses.
- Protection of endangered species.
- Special Counter-terrorism operations.
- Protection of prison installations.
- Security of highways and communal pathways.
- Maintenance of data collection in criminal files.
- Handling of Intelligence for national security.
- Undertake investigations and development in scientific and technological areas in accordance with specific functions.
- Handling of natural or man-made disasters in coordination with other institutions.
- Execution of operations to maintain public order in coordination with the Police.
- Vigilance and security of establishments and public services, important state industries and private industries of strategic importance.
- Protection and Vigilance of ports, including airports.
- Support to the judicial tribunals in the carrying out of their duties.

- Protection of national reserves, national parks, forest reserves, hydraulic reserves, flora and fauna sanctuaries, and fishing.
- Illegal migration and human trafficking.
- Maintenance of international cooperation.
- Interagency exchange with different state institutions.
- Will perform assigned activities of a civilian nature.

#### Code of Conduct and Honor

The Code of Conduct will promote the quality of service of the National Guard, reinforcing the prestige and dignity of the Armed Forces in Latin American countries, and will also contribute in the creation of subjective and objective conditions that within the pursuit of security and order action guarantee the free exercise of rights and liberties of citizens. It will ensure that the Guard soldier will accomplish the mission in accordance with the public cause, public interest, and laws. It will serve the nation as a whole and will protect all persons against illegal acts. It will respect and protect human dignity. It will defend and protect the fundamental rights of persons.

In order to consecrate the standards of ethics and professional conduct common to all Guard members, and as an indispensable condition for a credible and efficient use of the National Guard, the creation of this code is necessary, and after its elaboration, it must first be approved by the Executive Power and the National Congress of the nation.

The proceedings principles of the Portugal Republican National Guard are listed below and are a good example of the duty, code of conduct and honor requirements for its National Guard members: <sup>27</sup>

## **Proceedings Principles**

- Absolute respect for the legal precepts contained in the Constitution and other existing legislation.
- Adequate conduct with citizens, in the performance of their duties, through the implementation of the code of conduct, as long as it is solicited in their aid.
- Immediate action in the case of the disruption of public order, and trying to dissuade and dialogue with citizens with a view to reestablishing order.
- Use of adequate coercive measures according to what is legally established to maintain authority, only if proved indispensable and where dissuasive measures have been unsuccessful.

- The use of their personal firearm, when their lives are clearly at risk, or when the lives of their fellow servicemen and citizens are at risk.
- Immediate availability for service as an agent of authority when the situation so requires, even when off duty.

## Will be the Duty of all Military of the Guard

- To fulfill the mission in accordance with the Public Interest and the Law.
- To serve the National community and protect all the people against the illegal acts.
- To respect and protect the human being dignity.
- To defend and protect the basic rights of all person.
- To apply only the force as last resource and when it will be demanded by the fulfillment of his functions.
- To appeal only to his firearms in self defense, when the criminal puts resistance to be arrested and there is no possibility of using other means.
- Not to divulge information of confidential character, to not being in the fulfillment of his functions or when the needs of justice require it.
- Not to infringe, instigate or tolerate any torture or another type of cruel punishment, inhuman or degrading acts.
- Not to practice the authority's abuse.
- To vigorously fight and oppose all corruption.

## Organizational Structure

The organizational structure of the National Guard should adhere to a centralized command and control (C2), but should have a decentralized operational capacity, with a view to ensuring the most efficient use of available resources. Thus we could obtain unity of command and effort. (See figure 1).

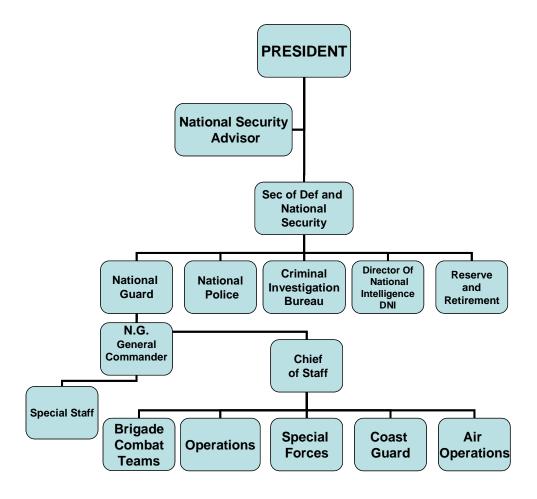


Figure1.

## **Force Distribution**

The creation of the necessary Brigade Combat Teams (BCT), in accordance with the availability of equipment, budget, and the specific needs of each country, will have as an aim their effective and prompt use for national defense when it is so warranted. Remaining personnel would be used in the other internal security missions assigned to the National Guard, divided into Regional Commands.

In order to accomplish the dual mission at hand, it is necessary to count on the hard work of the personnel, as well as a proper management of the resources currently available to the

Armed Forces. This would have as a result the achievement of the tasks necessary for defense and internal security according to today's new threats. It would also mean the adjustment of priorities and a better position to accomplish the mission than under the current scheme.

Other units within the organization that would be employed in a support role would be those with functions of a Coast Guard, Patrol, Aerial Rescue and Transportation, Counterterrorism unit, and Special Operations. A task force for peacekeeping operations would also be created. (See figure 2).

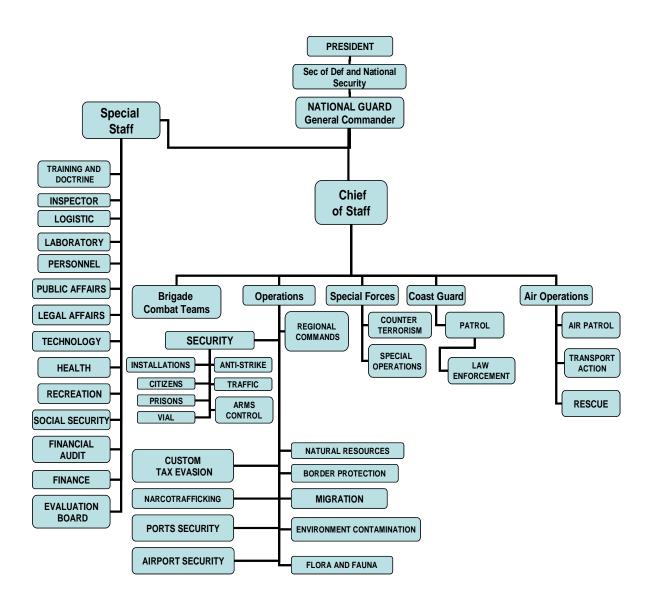


Figure 2.

#### Conclusion

One of the objectives of this work is that once the Armed Forces are transformed into a National Guard that they can with the approval of legislation, undertake their mission through the application of laws which would authorize them to make arrests and conduct investigations and searches with the support of the public ministry and national judicial system, as well as collecting evidence and adequately managing intelligence for purposes of defense and security of the nation.

This objective would be achieved with a view to confronting the threats to public order and national security. It is an element that is not constitutionally conceived in the role and missions of the traditional Armed Forces.

Therefore, the transformation of the Armed Forces in order to achieve a dual role cannot be further delayed. Furthermore, the proliferation of resources, allocation and transfer of personnel, heavy focus on promotions, missions, decentralization, independent command and control in each service, different doctrine, training, ethics and values, brings as a result weakness in the unity of effort and implementation of projects.

A transformation in the Armed Forces would be proposed as a policy of power, with the aim of not only restoring to the State the control of violence and criminal organizations in an economically and ethically acceptable way, lost for many years due to the deterioration of public institutions, but also ensuring that the Armed Forces are authentically useful components when it comes to the projection of a national strategy formulated to strengthen its sovereignty, contribute to development and serve the fulfillment of national objectives and goals, in an environment where citizen security, public order, and peace are guaranteed.

The strategic concept of increasing the role of this force with respect to the nation's security is in recognition of the unique nature of this institution and the advantages and the organizational strengths that it can offer.

In general terms, the purpose of the Armed Forces in any country is expressed in the respective dispositions that encompass the mandates and limits on their authority, in the context of criteria destined to guarantee its contribution to the custody of the political structure of the State, in addition to the armed protection of the territory and wealth of the nation.

It is the recommendation of this paper that the strategic decision to be taken is the transformation of the Armed Forces as an institution, and a refocus of its missions with respect to internal security and humanitarian assistance, while training specialized units for territorial defense and transnational challenges.

Given a recent change in the environment into one of a more pervasive and threatening nature, the transformation of the Armed Forces in the poorer countries of Latin American is not only recommended, but essential if the countries are to meet the emerging threats of today, and the challenges of tomorrow.

#### Endnotes

- <sup>1</sup> Times magazine, *Latin American crime wave hits foreign investment*, http://www.mycaribbeannews.com/inter/041210b.htm; Internet accessed Friday, Jan 12, 2007.
- <sup>2</sup> Bernardo Kliksberg, *El crecimiento de la criminalidad en América Latina: un tema urgente,* http://www.iadb.org/Etica/SP4321/DocHit.cfm?DocIndex=327, , Internet accessed Friday, Jan 2, 2007.
- <sup>3</sup> US Department of State, *International Information Programs*, http://usinfo.state.gov/dhr/Archive/2005/Apr/21-965427.html; Internet accessed Friday, Jan 12, 2007.
- <sup>4</sup> Ibid. Bernardo Kliksberg, *El crecimiento de la criminalidad en América Latina: un tema urgente*, http://www3.iadb.org/etica/SP4321/DocHit.cfm?DocIndex=2143, Internet accessed Friday, Jan 12, 2007.
- <sup>5</sup> Inter-American Development Bank, *Violence in Latin American and the Caribbean*, page 2, http://www.iadb.org/sds/doc/1073eng.pdf,
- <sup>6</sup> Ibid. Bernardo Kliksberg, *El crecimiento de la criminalidad en América Latina: un tema urgente,* http://www3.iadb.org/etica/SP4321/DocHit.cfm?DocIndex=2143, Internet accessed Friday, Jan 12, 2007.
- <sup>7</sup> Diario Libre Online, *P.N. y FF.AA. lista para iniciar patrullaje*. http://www.diariolibre.com/app/article.aspx?id=73433.
- <sup>8</sup> Political Database of the Americas, *Democracy and Citizen Security*, (December 8, 2006), available from, http://pdba.georgetown.edu/Security/citizensecurity/citizensec\_e.html
- <sup>9</sup> Dr. Leonel Fernández, *Populismo y Socialdemocracia*, http://www.leonelfernandez.com/noticias/articulos/art-012b.htm. March 19, 2001.
- <sup>10</sup> Trade and Environment database, *ICE Case Studies*, http://www.american.edu/ted/ice/soccer.htm, Internet accessed Friday, Jan 12, 2007.
- <sup>11</sup> Ibid. Dr. Leonel Fernández, *Populismo y Socialdemocracia*, http://www.leonelfernandez.com/noticias/articulos/art-012b.htm. March 19, 2001.
- <sup>12</sup> Dominican Republic Constitution, http://pdba.georgetown.edu/Constitutions/DomRep/dominicanrepublic.html.
- <sup>13</sup> Oswaldo Jarrín Román, Profesor Investigador, *Nuevas amenazas y nuevos dilemas de la seguridad americana*. FLASCO-Ecuador. jarrito@flasco.org.ec, http://www.flacso.cl/flacso/?page=area&cat=rss2.

- <sup>14</sup> El Nuevo Diario, *Runmsfeld y el trasfondo de la Conferencia, Militares vs. Políticos*, Managua, Nicaragua, 3 Octubre 2006.
- <sup>15</sup> U.S. Department of State, *Seventh Conference of Ministers of Defense of the Americas: Declaration of Managua*, October 10, 2006. http://www.state.gov/p/wha/rls/73765.htm.
- <sup>16</sup> William Clinton, *A National Security Strategy of Engagement and Enlargement,* (Washington, D.C.: The White House, February 1996), available from http://www.fas.org/spp/military/docops/national/1996stra.htm; Internet; accessed 30 Dec 06.
- <sup>17</sup> Oswaldo Jarrín Román, Profesor Investigador, *Nuevas Amenazas y Nuevos Dilemas de la Seguridad Americana*. FLASCO-Ecuador. jarrito@flasco.org.ec, http://www.flacso.cl/flacso/?page=area&cat=rss2.
- <sup>18</sup> LTC Daniel Fuhr, *The Future Army National Guard: Easing Contemporary Challenges of Transformation*, Strategic Research Project, 10 March 2006, US Army War College, CARLISLE BARRACKS, PA. 17013.
  - <sup>19</sup> John P. Kotter, *Leading Change*, (Boston: Harvard Business School Press, 1996), 10.
  - <sup>20</sup> John P. Kotter, *Leading Change*, (Boston: Harvard Business School Press, 1996), 7.
- <sup>21</sup> George Bush, *National Security Strategy of the United States of America,* (Washington, D.C.: The White House, September 2002), 29.
  - <sup>22</sup> John P. Kotter, *Leading Change*, (Boston: Harvard Business School Press, 1996), 4-14.
- <sup>23</sup> IIG-BIBLIOS, *Governanza y Seguridad Sostenible*, http://www.iigov.org/seguridad/, Internet accessed 30 Dec 06.
- <sup>24</sup> Dominican Republic Constitution, Title XI, The Armed Forces, http://pdba.georgetown.edu/Constitutions/DomRep/dominicanrepublic.html, Venezuela National Guard, http://www.guardia.mil.ve/, Portugal Republican National Guard, *General mission*, http://www.gnr.pt/, Internet accessed Saturday, Jan 20, 2007.
  - <sup>25</sup> Dominican Republic Law Project to create a National Security Council. Not yet released.
- Venezuelan National Guard, *Missions*, http://www.guardia.mil.ve/view/nosotros.php,. ttp://gp.cnti.ve/site/guardia.mil.ve/view/mision.php, Political Database of the Americas, http://www12.georgetown.edu/sfs/clas/pdba/, http://pdba.georgetown.edu/Security/citizensecurity/Venezuela/instituciones\_nacionales.html#guardianac. Internet accessed Saturday, Jan 20, 2007.
- <sup>27</sup> Portugal National Guard, *General mission,* http://www.gnr.pt/, Internet accessed Saturday, Jan 20, 2007.